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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,022

02/23/2004

Keiko Shiraishi

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2000 M STREET NW SUITE 700
WASHINGTON, DC 20036-3307

EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT

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PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/783,022
Filing Date: February 23, 2004
Appellant(s): SHIRAISHI ET AL.

MAILED
FEB 28 2007
GROUP 3700

Jeffrey S. Melcher
For Appellant

Supplemental EXAMINER'S ANSWER

This is in response to the appeal brief filed August 23, 2006 appealing from the Office action mailed March 14, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,059,892	Siden	11-1977
JP 2-142803		12-1990

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siden (U.S. Patent No. 4,059,892).

Siden shows (Fig.4) a covering layer removing device comprising a receiver body (36), a movable cutting blade (34) and a guide means (15,16), wherein the cutting blade (34) is formed of elastic plastic and has an edge surface (i.e. the edge surface that is received in the block 32) substantially perpendicular to side surfaces of the cutting blade (34) substantially as claimed except it is silent about the thickness and the bending elasticity of the cutting blade.

Siden also shows (Figs. 1 and 2) a covering layer removing device comprising a pair of cutting blades (24,26) formed of elastic plastics and each has an edge surface (i.e. the edge surface that is received in the block 20/22) substantially perpendicular to side surfaces of the cutting blades (24/26), and a guiding means (15,16) substantially as

claimed except it is silent about the bending elasticity of and the thickness of the cutting blades.

Since Siden's plastic cutting blade is made of the same material (polycarbonate, polystyrene, acrylonitrile-butadiene-styrene) as Applicant disclosed (on page 5 of the specification), and further Siden's cutting blades (34,24,26) do have a thickness and a bending elasticity. To select a certain thickness range and a bending elasticity range for Siden's cutting blades such as in the range of 0.06 – 1 mm and in the range of 900 – 20,000 MPa, respectively, would have been obvious to one having ordinary skill in the art, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233 (CCPA 1955).

2. Claims 1, 2, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 2 142803.

Japanese '803 shows a device for removing a covering layer of an optical fiber comprising a receiver body (in the form of a blade) and a cutting blade (2) made of synthetic resin movable toward the receiver body. Further, the cutting blade (2) has an edge surface (i.e. the edge surface that is facing the bent portion of the spring plate 1) that is substantially perpendicular to side surfaces of the cutting blade (2), and a length of the cutting blade and the receiver body are always substantially parallel as claimed.

However, the Japanese reference is silent about the bending elasticity and the thickness of the synthetic cutting blade. Nevertheless, the plastic cutting blade of the Japanese '803 reference does have a bending elasticity and a thickness. To select a certain thickness range and a bending elasticity range for the cutting blade of the '803 reference such as in the range of 0.06 – 1 mm and in the range of 900 – 20,000 MPa, respectively, would have been obvious to one having ordinary skill in the art, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233 (CCPA 1955).

(10) Response to Argument

Appellants argue, at page 5 of the brief, the claimed invention is a device for removing the covering layer of an optical fiber. In contrast, Siden teaches a device for removing insulation from a metal wire that conducts electricity. There is a vast difference between devices used for stripping electrical insulation (Siden) and devices for stripping the covering layer of an optical fiber (present invention). Thus, one of ordinary skill in the art would not be motivated to look to wire stripping device (Siden) to make a device for removing the outer layer of an optical fiber. For this reason alone, the Section 103 rejection should be withdrawn. Examiner disagrees. Indeed, Siden

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does explicitly state fiber optics materials may be stripped by the device (see column 2, lines 56-57) just as Appellants' device is intended for.

Appellants argue, at pages 6-8 of the brief, Siden's blades taper down to a sharp edge and do not have an edge surface substantially perpendicular to side surfaces of the cutting blades as claimed. In response, Siden's edge surfaces of the cutting blades (24/26/34) have been interpreted as the edges that are received in recesses of blocks (20/22/32, see Figs.2 and 4). Appellants argue the claimed edge of the blade is "the cutting surface that contacts the optical fiber", and claims should be interpreted in light of the specification. In response, Examiner finds the alleged limitation is not in the claims. Further, claims are to be given their "broadest reasonable interpretation" during prosecution, and limitations found in specification should not be imported or read into claims. The specification is not the measure of invention. Therefore, limitations contained therein cannot be read into the claims for the purpose of avoiding the prior art.

Appellants' arguments (items **a** and **b** at pages 8-9 of the brief) regarding to the thickness and the bending elasticity are not persuasive. Since Siden's plastic cutting blade is made of the same material (polycarbonate, polystyrene, acrylonitrile-butadiene-styrene) as Appellants disclosed (see page 5 of the specification), and further Siden's cutting blades (34,24,26) do have a thickness and a bending elasticity. To select a certain thickness range and a bending elasticity range for Siden's cutting blades such as in the range of 0.06 – 1 mm and in the range of 900 – 20,000 MPa,

respectively, would have been obvious to one having ordinary skill in the art, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233 (CCPA 1955).

Appellants also argue (items **c** and **d** at page 10 of the brief), Siden does not teach using a receiver body “sized such that when an optical fiber is set on a surface of said receiver body opposite to said cutting blade the length of the optical fiber is longer than the thickness of said cutting blade”, and Siden does not teach or even suggest any guide means, and surely not a guide means for guiding optical fiber. Examiner disagrees with the arguments. First of all, Siden indeed does suggest the device is to be used for stripping optical fiber as claimed (note column 2, lines 56-57 in Siden). Further, Siden’s receiver body (36) is sized such that when an optical fiber (40) is set on a surface of the receiver body (36) opposite to the cutting blade (34), the length of the optical fiber (40) is longer than the thickness of the cutting blade (34, see Siden’s Fig.4) as claimed. Siden’s element (15/16, see Fig.1) is interpreted as the claimed “guide means” since it is fully capable of guiding an optical fiber to a removing position between a receiver body and cutting blades as claimed.

Appellants’ arguments (at pages 10-13) with respect to the JP ‘803 reference are basically the same as those with respect to the Siden reference, namely, the interpretation of the claimed edge surface, the ranges for the thickness and the bending

elasticity of the cutting blade. Examiner's response to these arguments is the same as those for Siden's.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Hwei-Siu Payer



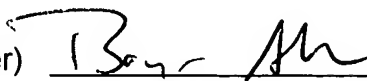
Hwei-Siu Payer
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H.P.

February 20, 2007

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